

CHAPTER 8

PROPERTY

SENATE BILL 20B-002

BY SENATOR(S) Gonzales and Holbert, Ginal, Moreno, Rodriguez, Bridges, Crowder, Danielson, Donovan, Fenberg, Fields, Foote, Gardner, Hansen, Hisey, Lee, Lundeen, Marble, Pettersen, Priola, Rankin, Scott, Smallwood, Sonnenberg, Story, Tate, Todd, Williams A., Winter, Woodward, Zenzinger, Garcia;
 also REPRESENTATIVE(S) Exum and Tipper, Bird, Gonzales-Gutierrez, Hooton, Jackson, Jaquez Lewis, Michaelson Jenet, Mullica, Weissman, Woodrow, Arndt, Benavidez, Bockenfeld, Buckner, Buentello, Caraveo, Coleman, Cutter, Esgar, Froelich, Garnett, Gray, Herod, Kennedy, Kipp, Kraft-Tharp, Lontine, McCluskie, McLachlan, Melton, Roberts, Singer, Sirota, Snyder, Sullivan, Titone, Valdez A., Valdez D., Young, Becker.

AN ACT

CONCERNING TEMPORARY ASSISTANCE FOR INDIVIDUALS WHO ARE FACING A FINANCIAL HARDSHIP DUE TO THE COVID-19 PANDEMIC, AND, IN CONNECTION THEREWITH, CREATING THE EMERGENCY DIRECT ASSISTANCE GRANT PROGRAM; AND TRANSFERRING MONEY TO THE EMERGENCY DIRECT ASSISTANCE GRANT PROGRAM FUND, AND TO THE HOUSING DEVELOPMENT GRANT FUND, AND TO THE EVICTION LEGAL DEFENSE FUND FOR THIS ASSISTANCE; AND MAKING AN APPROPRIATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-32-721, **amend** (1.7)(b); and **add** (1.7)(a.5), (1.7)(g.5), and (1.7)(h.5) as follows:

24-32-721. Colorado affordable housing construction grants and loans - housing development grant fund - creation - housing assistance for persons with behavioral, mental health, or substance use disorders - cash fund - appropriation - report to general assembly - rules - definitions - repeal.
 (1.7) (a.5) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (1.7)(a.5), THE STATE TREASURER SHALL TRANSFER FIFTY-FOUR MILLION DOLLARS FROM THE GENERAL FUND TO THE HOUSING DEVELOPMENT GRANT FUND FOR THE PURPOSE OF PROVIDING HOUSING ASSISTANCE AS SPECIFIED IN THIS SUBSECTION (1.7). MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION (1.7)(a.5) SHALL BE ACCOUNTED FOR SEPARATELY. THE DIVISION MAY USE UP TO THREE PERCENT OF THE MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION (1.7)(a.5) FOR THE COSTS OF ADMINISTERING THIS SUBSECTION (1.7).

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(b) The general assembly shall appropriate the money transferred to the fund pursuant to this subsection (1.7) to the division for use in providing individuals and households who, on or after March 1, 2020, have experienced financial need due to the COVID-19 pandemic or second-order effects of the COVID-19 pandemic, with rental assistance, residential mortgage assistance, HOUSING ASSISTANCE THAT PROVIDES FUTURE HOUSING STABILITY, and guidance on how to access additional housing services. The division must use the money TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (1.7)(a) OF THIS SECTION by December 30, 2020, for the purposes specified in this subsection (1.7). THE DIVISION MUST USE THE MONEY TRANSFERRED TO THE FUND PURSUANT TO SUBSECTION (1.7)(a.5) OF THIS SECTION BY JUNE 30, 2021, FOR THE PURPOSES SPECIFIED IN THIS SUBSECTION (1.7).

(g.5) HOUSING ASSISTANCE PROVIDED UNDER THIS SUBSECTION (1.7) MAY INCLUDE PAYMENT OF ARREARS, INCLUDING OVERDUE RENT PAYMENTS AND MORTGAGE PAYMENTS.

(h.5) ANY FULL-TIME EMPLOYEE THAT THE DIVISION HIRES OR CONTRACTS WITH FOR THE PURPOSE OF IMPLEMENTING THIS SUBSECTION (1.7) SHALL NOT BE EMPLOYED BY THE DIVISION FOR SUCH PURPOSE AFTER SEPTEMBER 1, 2022.

SECTION 2. In Colorado Revised Statutes, **add** 24-32-721.5 as follows:

24-32-721.5. Emergency direct assistance grant program - created - purposes of grants - rules - applications - fund created - report - definition - repeal. (1) THERE IS HEREBY CREATED IN THE DIVISION THE EMERGENCY DIRECT ASSISTANCE GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM", TO PROVIDE GRANTS TO INDIVIDUALS WHO HAVE EXPERIENCED FINANCIAL NEED DUE TO THE COVID-19 PANDEMIC OR SECOND-ORDER EFFECTS OF THE COVID-19 PANDEMIC AND WHO MAY NOT BE ELIGIBLE FOR CERTAIN OTHER TYPES OF ASSISTANCE, SUCH AS:

(a) UNEMPLOYMENT INSURANCE PURSUANT TO THE "COLORADO EMPLOYMENT SECURITY ACT", ARTICLES 70 TO 82 OF TITLE 8;

(b) FOOD ASSISTANCE; OR

(c) FEDERAL STIMULUS PAYMENTS PURSUANT TO THE FEDERAL "CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT," ALSO KNOWN AS THE "CARES ACT", PUB.L. 116-36, AS AMENDED.

(2) THE DIVISION SHALL ADMINISTER THE GRANT PROGRAM AND, SUBJECT TO AVAILABLE FUNDING, SHALL CONTRACT WITH NONPROFIT ORGANIZATIONS TO AWARD GRANTS AS PROVIDED IN THIS SECTION. SUBJECT TO AVAILABLE FUNDING, GRANTS SHALL BE PAID OUT OF THE FUND CREATED IN SUBSECTION (5) OF THIS SECTION.

(3) THE DIVISION SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS SECTION. PURSUANT TO ARTICLE 4 OF THIS TITLE 24, THE DIVISION MAY PROMULGATE SUCH RULES AS ARE REQUIRED IN THIS SECTION AND SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO IMPLEMENT THE GRANT PROGRAM, INCLUDING RULES SPECIFYING THE TIME FRAMES FOR APPLYING FOR GRANTS, THE FORM OF THE

GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY.

(4) TO RECEIVE A GRANT, AN INDIVIDUAL MUST APPLY TO A NONPROFIT ORGANIZATION WITH WHICH THE DIVISION HAS CONTRACTED PURSUANT TO SUBSECTION (2) OF THIS SECTION.

(5)(a) THE EMERGENCY DIRECT ASSISTANCE GRANT PROGRAM FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY CREDITED TO THE FUND PURSUANT TO SUBSECTION (7) OF THIS SECTION AND ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND.

(b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND.

(c) EXCEPT AS PROVIDED IN SUBSECTION (5)(e) OF THIS SECTION, ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

(d) THE MONEY IN THE FUND IS CONTINUOUSLY APPROPRIATED TO THE DIVISION TO EXPEND FOR THE PURPOSES DESCRIBED IN THIS SECTION.

(e) THE STATE TREASURER SHALL TRANSFER ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND ON JUNE 30, 2022, TO THE GENERAL FUND.

(6) DURING THE SECOND REGULAR SESSION OF THE SEVENTY-THIRD GENERAL ASSEMBLY, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS SHALL REPORT TO THE SENATE LOCAL GOVERNMENT COMMITTEE AND THE HOUSE OF REPRESENTATIVES TRANSPORTATION AND LOCAL GOVERNMENT COMMITTEE, OR ANY SUCCESSOR COMMITTEES, UNDER THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, CONCERNING THE ADMINISTRATION OF THE GRANT PROGRAM.

(7)(a) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE STATE TREASURER SHALL TRANSFER FIVE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND FOR THE PURPOSES OF THIS SECTION.

(b) THE DIVISION MUST USE THE MONEY BY JUNE 30, 2021, FOR THE PURPOSES DESCRIBED IN THIS SECTION.

(c) THE DIVISION MAY USE UP TO THREE PERCENT OF THE MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION (7) TO PAY THE COSTS OF ADMINISTERING THE GRANT PROGRAM.

(8) ANY FULL-TIME EMPLOYEE THAT THE DIVISION HIRES OR CONTRACTS WITH FOR THE PURPOSE OF IMPLEMENTING THIS SECTION SHALL NOT BE EMPLOYED BY THE DIVISION FOR SUCH PURPOSE AFTER SEPTEMBER 1, 2022.

(9) AS USED IN THIS SECTION, "COVID-19" MEANS THE CORONAVIRUS DISEASE

2019 CAUSED BY THE SEVERE ACUTE RESPIRATORY SYNDROME CORONAVIRUS 2, ALSO KNOWN AS SARS-CoV-2.

(10) THIS SECTION IS REPEALED, EFFECTIVE JUNE 30, 2022.

SECTION 3. In Colorado Revised Statutes, 13-40-127, **add** (5)(c) and (8) as follows:

13-40-127. Eviction legal assistance - fund - rules - report - definitions - repeal. (5) (c) ANY UNEXPENDED AND UNENCUMBERED MONEY REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAINS IN THE FUND AND DOES NOT REVERT TO THE GENERAL FUND OR ANY OTHER FUND.

(8) (a) WITHIN THREE DAYS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION (8), THE STATE TREASURER SHALL TRANSFER ONE MILLION DOLLARS FROM THE GENERAL FUND TO THE FUND. ON OR BEFORE JANUARY 1, 2021, THE ADMINISTRATOR SHALL GRANT THE MONEY TRANSFERRED PURSUANT TO THIS SUBSECTION (8)(a) TO QUALIFYING ORGANIZATIONS THAT HAVE BEEN PREVIOUSLY AWARDED GRANTS FROM THE FUND IN THE 2020-21 STATE FISCAL YEAR.

(b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JANUARY 1, 2022.

SECTION 4. In Colorado Revised Statutes, 8-75-108, **amend** (1) introductory portion, (1)(a) introductory portion, (1)(b), and (2); and **repeal** (1)(a)(III) as follows:

8-75-108. Total unemployment rate extended benefits. (1) FOR WEEKS OF UNEMPLOYMENT BEGINNING ON OR AFTER NOVEMBER 1, 2020: ~~with respect to weeks of unemployment beginning on or after March 22, 2009, and ending four weeks before the last week for which federal sharing is authorized by section 2005 (a) of Pub.L. 111-5 and any amendments thereto, whichever is later:~~

(a) There is an "on" indicator for a week of TUR extended benefits, in the amount determined pursuant to sections 8-75-104 and 8-75-105, if ~~subparagraphs (I) and (II) of this paragraph (a)~~ SUBSECTIONS (1)(a)(I) AND (1)(a)(II) OF THIS SECTION apply: ~~or if subparagraphs (I) and (III) of this paragraph (a) apply:~~

(III) ~~With respect to weeks beginning on or after December 17, 2010, and ending December 31, 2011, or while Pub.L. 111-312 and any amendments thereto are in effect, the average TUR in the state equals or exceeds one hundred ten percent of the TUR for all or any of the corresponding three-month periods in the three preceding calendar years;~~

(b) There is an "off" indicator for weeks of TUR extended benefits if any of the following applies:

(I) The TUR falls below six and one-half percent; ~~or~~

(II) ~~The requirements~~ REQUIREMENT described in ~~subparagraph (II) or (III) of paragraph (a) of this subsection (1)~~ are SUBSECTION (1)(a)(II) OF THIS SECTION IS not satisfied; OR

(III) PURSUANT TO SECTION 4105 OF THE FEDERAL "FAMILIES FIRST CORONAVIRUS RESPONSE ACT", PUB.L. 116-127, AS AMENDED, OR PURSUANT TO ANY OTHER FEDERAL LAW, THERE IS NOT AN EXTENSION OF ONE HUNDRED PERCENT FEDERAL SHARING AVAILABLE TO COVER THE COST OF EXTENDED BENEFITS.

(2) FOR WEEKS OF UNEMPLOYMENT BEGINNING ON OR AFTER NOVEMBER 1, 2020, the total amount of TUR extended benefits payable in a high unemployment period to an eligible individual with respect to his or her applicable benefit year shall be the least of the following amounts:

(a) Eighty percent of the total amount of regular benefits that were payable to the eligible individual under articles 70 to 82 of this ~~title~~ TITLE 8 in the applicable benefit year; ~~or~~

(b) Twenty times the weekly benefit amount that was payable to the eligible individual under articles 70 to 82 of this ~~title~~ TITLE 8 for a week of total unemployment in the applicable benefit year; OR

(c) FORTY-SIX TIMES THE INDIVIDUAL'S WEEKLY BENEFIT AMOUNT, INCLUDING ANY APPLICABLE DEPENDENTS' ALLOWANCES, FOR A WEEK OF TOTAL UNEMPLOYMENT IN THE APPLICABLE BENEFIT YEAR, REDUCED BY THE TOTAL AMOUNT OF REGULAR BENEFITS THAT WERE PAID OR DEEMED PAID TO THE INDIVIDUAL WITH RESPECT TO THE APPLICABLE BENEFIT YEAR.

SECTION 5. Appropriation. (1) For the 2020-21 state fiscal year, \$1,000,000 is appropriated to the judicial department. This appropriation is from the eviction legal defense fund created in section 13-40-127 (2), C.R.S. To implement this act, the department may use this appropriation for the eviction legal defense grant program.

(2) For the 2020-21 state fiscal year, \$16,751 is appropriated to the office of the governor for use by the office of information technology. This appropriation is from reappropriated funds received from the transfer from the general fund to the housing development grant fund within the department of local affairs. To implement this act, the office may use this appropriation to provide information technology services for the department of local affairs.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: December 7, 2020